

ALBERT A. CIARDI, III, ESQUIRE
aciardi@ciardilaw.com

CIARDI CIARDI & ASTIN

1905 Spruce Street
Philadelphia, PA 19103
Phone: 215-557-3550
Fax: 215-557-3551

February 12, 2025

Via Electronic Filing and Electronic Mail

The Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court
For the District of New Jersey
Mitchell H. Cohen U.S. Courthouse
400 Cooper Street, 4th Floor
Camden, NJ 08101
Chambers_of_jnp@njb.uscourts.gov

Re: *Daryl Fred Heller*
Bankruptcy No. 25-11354-JNP

Dear Judge Poslusny:

My office represents Deerfield Capital, LLC. Your Honor granted our request for an expedited hearing to be heard on February 25, 2025, on the Motion for Relief from the Automatic Stay to Continue the State Court Proceedings Against the Debtor in Pennsylvania and New Jersey, Prohibit Use of Cash Collateral, Transfer Venue, and Expedited Discovery (D.I. #9), (the "Motion"). The Debtor has asked us to continue the hearing until March 3, 2025, and our client has agreed. The Motion requires an evidentiary record, and the Movant has noticed the deposition of the Debtor pursuant to the attached Notice of Deposition. The Debtor has not been willing to confirm his attendance at the deposition, whether he will testify if he attends, and whether he will produce the requested documents. Movant has provided alternative dates for compliance. The parties are at an impasse over the discovery issues and the Movant asks for the Court's intervention as we believe there are serious factual issues that require discovery.

PHILADELPHIA
1905 Spruce Street
Philadelphia, PA 19103
Phone: (215) 557-3550
Fax: (215) 557-3551

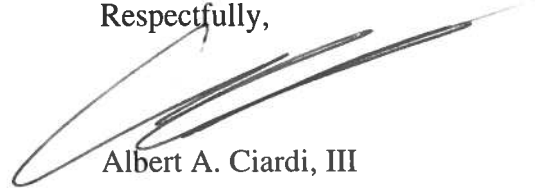
WILMINGTON
1204 North King Street
Wilmington, DE 19801
Phone: (302) 658-1100
Fax: (302) 658-1300

NEW JERSEY
52 Haddonfield-Berlin Road
Suite 1000
Cherry Hill, NJ 08034
Phone: (856) 368-2001
Fax: (856) 368-2002

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Mr. Sodono is in a deposition today and tomorrow, but available for a call on a break at the Court's convenience.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Albert A. Ciardi, III', written over a horizontal line.

Albert A. Ciardi, III

AACIII/sf

cc: Anthony Sodono, Esquire asodono@msbnj.com
Sari B. Placona, Esquire splacona@msbnj.com
Jeffrey M. Sponder, Esquire Jeffrey.m.sponder@usdoj.gov
Jerrold S. Kulback, Esquire jkulback@archerlaw.com
Matthew Haverstick, Esquire mhaverstick@kleinbard.com
Martin J. Weis, Esquire mweis@dilworthlaw.com
Joslin E. Monahan, Esquire monahanj@millerjohnson.com
Alyssa M. Radovanovich, Esquire aradovanovich@klehr.com
Michael Fencer, Esquire fencer@casneredwards.com
Adam R. Martin, Esquire adam.martin@troutman.com
Gerard S. Catalanello, Esquire Gerard.catalanello@alston.com
Brian Bisignani, Esquire bbisignani@postschell.com
Ryan Morris, Esquire rmorris@postschell.com
Daniel S. Siedman, Esquire dsiedman@ciardilaw.com
(All with enclosure)

Albert A. Ciardi III

From: Albert A. Ciardi III
Sent: Wednesday, February 12, 2025 10:04 AM
To: Anthony Sodono; Sari B. Placona
Cc: jeffrey.m.sponder@usdoj.gov; Jerrold S. Kulback (jkulback@archerlaw.com); mhaverstick@kleinbard.com; Weis, Martin J.; aradovanovich@klehr.com; monahanj@millerjohnson.com; fencer@casneredwards.com; adam.martin@troutman.com; gerard.catalanello@alston.com; Daniel Siedman; Bisignani, Brian; Ryan Morris
Subject: Deposition notice for Daryl Heller
Attachments: Notice of Deposition Daryl Heller.pdf

Dear Anthony and Sari:

Attached please find a Notice of Deposition directed to the Debtor with a request for Documents. We can also schedule this for February 19, 2025 or in the following week but I understand your schedule is tight that week. I am open to location, but I think my Philadelphia office is probably closer for the Debtor. Please let me know as soon as possible whether the Debtor will attend and whether the Debtor will make a blanket assertion of his Fifth Amendment rights. Regardless of whether he will answer questions, the documents will need to be produced. If you are aware of whether Charlene Heller or Ethan Heller have counsel, please let me know as we will be serving them with Subpoenas as well. If we do not hear back on that issue by COB today, we will serve them with Subpoenas directly for both deposition and trial.

I have copied other counsel who may wish to attend and participate. All counsel should be aware that we have consented to the hearing moving to March 3, 2025. We may also amend our Motion to seek the Appointment of a Chapter 11 Trustee.

Al

Albert A Ciardi III
1905 Spruce Street
Philadelphia PA 19103
215-599 2018 (o)

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
<i>Caption in Compliance with D.N.J. LBR 9004-2(c)</i>	
Ciardi Ciardi & Astin Albert A. Ciardi, III, Esquire 1905 Spruce Street Philadelphia, PA 19103 Telephone: (215) 557-3550 Facsimile: (215) 557-3551	
In re: DARYL F. HELLER, Debtor.	Case No.: 25-11354 (JNP) Chapter: 11

NOTICE OF DEPOSITION

**TO: Daryl F. Heller
c/o Anthony Sodono, Esquire
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | 2nd Floor |
Roseland, NJ 07068**

Deerfield Capital, LLC, by and through his undersigned counsel, Ciardi Ciardi & Astin, hereby serves this Notice of Deposition pursuant to Federal Rules of Civil Procedure 30 and 34, made applicable to this proceeding pursuant to Rules 7030, 7034 and 9014 of the Federal Rules of Bankruptcy Procedure, on Daryl Heller ("Debtor") and request that Daryl Heller appear for deposition on **February 17, 2025. commencing at 10:00 a.m.** at the offices of Ciardi Ciardi & Astin, 1905 Spruce Street, Philadelphia, PA, to testify as to his Voluntary Petition filed on February 10, 2025 and all statements made therein, the Motion of Deerfield Capital, LLC for Relief from the Automatic Stay, Prohibit Use of Cash Collateral, Transfer Venue and Expedited Discovery [D.I. 9] ("Motion for Relief"), the assets and liabilities of the Debtor including all prior

financial statements provided by the Debtor, any defenses that Debtor will present to the Motion for Relief, the current status of all bank accounts and other financial accounts of the Debtor, and transfers made by the Debtor or by entities under his control in the last twelve months, and said deposition will continue from day to day until complete. Said deposition will be recorded by stenographic means.

This Notice of Deposition includes a Request for Production of Documents which is attached hereto as Exhibit "A", and such documents should be provided to undersigned counsel no later than February 15, 2025.

CIARDI CIARDI & ASTIN

Dated: February 12, 2025

By: /s/ Albert A Ciardi III
Albert A. Ciardi, III, Esquire
CIARDI, CIARDI & ASTIN
1905 Spruce Street
Philadelphia, PA 19103
PH: (215) 557-3550
FAX: (215) 557-3551

Counsel for Deerfield Capital LLC

and

POST & SCHELL

Dated: February 12, 2025

By: /s/ John W. Croumer
John W. Croumer, Esquire (PA ID# 208170)
Brian W. Bisignani, Esquire (PA ID#57982)
1869 Charter Lane
P.O. Box 10248
Lancaster, PA 17601
717-391-4437 (Phone)
jcroumer@postschell.com

EXHIBIT A

1. All statements, electronic or paper, from any bank, financial institution, credit card company, cash app, including any retirement accounts, which (a) is owned by or in the name of the Debtor or (b) is used by the Debtor for the 24 months preceding February 10, 2025 including all documents relating to all checks, wire transfers or deposits.
2. All tax returns filed by the Debtor or Heller Capital Group, LLC for 2022 and 2023.
3. All communications with the Internal Revenue Service including any 433A/B within the 24 months preceding February 10, 2025.
4. All financial statements prepared by you or at your direction and submitted to any third party within the 24 months preceding February 10, 2025.
5. All electronic records concerning any bitcoin or digital currency wallet for the 24 months preceding February 10, 2025.
6. The general ledger, Quickbooks ledger or similar financial records for Heller Capital Group, LLC and all of its subsidiaries for 24 months preceding February 10, 2025 including all payments and deposits in such time period.
7. All records of Grandview Jets LLC in the prior six months which shall include at a minimum the use of any funds from the sale of any aircraft.
8. All records showing the use of funds from the sale of Pro Sportsman to KGH by Heller Capital Group, LLC.
9. All records of private or commercial air travel, including air travel outside the United States, used by you or paid for by you or Heller Capital Group, LLC in the 12 months preceding February 10, 2025.
10. All records or communications related to a transfer or stock redemption by Green Cabbage, Inc. and Heller Capital Group, LLC within the twelve months preceding February 10, 2025 including all Stock Redemption Agreements, draft documents, email correspondence between Daryl Heller, Heller Capital Group, LLC and any other person or party including the disposition of funds received from that transaction.
11. Your current bank account and the source of funds in that account
12. Any records of your income and sources of income.
13. All records of a transfer of real property from you to Ethan Heller in July 2024.
14. All records of any transfers of property from you or entities you control or have an interest in to Charlene Heller, Ethan Heller, and Taite Heller.
15. A description of any real property owned or leased by you or by any entities you control, or in which you or any entities you control have an interest, including addresses, whether within or outside the territorial boundaries of the United States.
16. A listing of any contacts directed to you from federal, state, or local law enforcement, including dates, but not the substance thereof.
17. All records relating to any transfer from you or any entity you own or control to Accordo, L.P. or Brookfield Partners, L.P. within the preceding four years of February 10, 2025.